

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. NATALIE ROCHELL PERKINS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 13-CV-356-GKF-PJC
)	
1. NAVISTAR INTERNATIONAL)	
CORPORATION, a foreign for profit)	
Business corporation;)	
)	
2. NAVISTAR, INC., a foreign for profit)	
business corporation, f/k/a)	
INTERNATIONAL TRUCK AND)	
ENGINE CORPORATION; and)	
)	
3. IC BUS OF OKLAHOMA, LLC, a foreign)	
limited liability corporation, f/k/a)	
AMERICAN TRANSPORTATION OF)	
OKLAHOMA, LLC,)	
)	
Defendants.)	

DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION

Defendants, Navistar International Corporation, Navistar, Inc. and IC Bus Of Oklahoma, LLC, (hereinafter collectively referred to as "Defendants"), timely file this Notice of Removal pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441(a) and (c) removing the above-captioned action from the District Court in and for Tulsa County, Oklahoma to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

Summary of State Court Proceedings

1. On May 17, 2013, Plaintiff Natalie Rochell Perkins filed her original Petition in the District Court of Tulsa County, Oklahoma styled *Natalie Rochell Perkins v. Navistar*

International Corporation, Navistar, Inc. and IC Bus of Oklahoma, LLC, Case No. CJ-2013-02426.

2. The summonses issued to the Defendants were served on or about May 28, 2013. A copy of the state court docket sheet is attached hereto as Exhibit "1". A copy of the process served on Defendants is attached hereto as Exhibits "2."

3. Plaintiff filed her original Petition seeking to recover damages for employment discrimination and retaliation in violation of the Americans with Disabilities Act of 1990, as amended ("ADA"); the Oklahoma Anti-Discrimination Act ("OADA"); and Title VII of the Civil Rights Act of 1964 ("Title VII"). Additionally, Plaintiff asserts a state law tort claim for intentional infliction of emotional distress. [Petition, ¶¶25-64 Exhibit "2"]

4. Pursuant to 28 U.S.C. §1331 and §1441, this Court has original jurisdiction over Plaintiff's ADA and Title VII claims, which arise under the laws of the United States. This Court further has jurisdiction over Plaintiff's remaining state law claims pursuant to 28 U.S.C. §1337.

5. This Notice of Removal is being filed within thirty days after receipt of the Petition as required by 28 U.S.C. §1446(b).

6. A copy of this Notice of Removal will be filed with the Clerk of the District Court in and for Tulsa County for the State of Oklahoma and served upon all adverse parties as required by 28 U.S.C. §1446(d).

7. All fees required by law in connection with this Notice have been paid by Defendants.

8. By virtue of this Notice of Removal, Defendants do not waive their right to assert any rights, claims or other motions, including Fed.R.Civ.P. Rule 12 motions, permitted by the Federal Rules of Civil Procedure or other applicable rules or laws.

WHEREFORE, for the above reasons, Defendants hereby give Notice of Removal of the action pending in the District Court of Tulsa County, State of Oklahoma.

Respectfully submitted,

s/Stephanie Johnson Manning
Kimberly Lambert Love, OBA #10879
Stephanie Johnson Manning, OBA #18741
Titus Hillis Reynolds Love Dickman & McCalmon
15 E. 5th Street, Suite 3700
Tulsa, Oklahoma 74103
Phone: 918/587-6800
Fax: 918/587-6822
Email: smanning@titushillis.com

Attorneys for Defendants, Navistar International Corporation, Navistar, Inc. and IC Bus of Oklahoma, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June 2013, I mailed a true and correct copy of the above and foregoing document via U.S. Mail to the following:

D. Mitchell Garrett, Jr.
Amber Peckio Garrett
Garrett Law Center, PLLC
P.O. Box 1349
Tulsa, Oklahoma 74101-1349

s/Stephanie Johnson Manning
Stephanie Johnson Manning